

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

PRESSTEK, INC.,

Plaintiff,

v.

JOSEPH MUSGRAVE and PROGRAF
DIGITAL SERVICE, INC.,

Defendant.

Civil Action No. 1:08-cv-00512-JM

STIPULATION FOR JUDGMENT

NOW COMES, the Plaintiff, Presstek, Inc., by and through its attorneys, Devine, Millimet and Branch, P.A. and the Defendants, Joseph Musgrave and Prograf Digital Service, Inc., by and through its attorneys, Holoubek Law, P.L.L.C and Sutton Rankin Law, P.L.C., and stipulate as follows:

WHEREAS, Presstek, Inc. ("Presstek") is Delaware corporation with a principal place of business at 55 Executive Drive, Hudson, New Hampshire and is a worldwide leader in the field of high technology laser imaging and printing products; and

WHEREAS, Presstek is the owner of United States Patent No. 4,339,737 ("737 Patent") entitled "Lithographic Printing Plates For Use With Laser-Discharge Imaging Apparatus" and United States Patent No. 4,487,338 ("338 Patent") entitled "Lithographic Printing Plates For Use With Laser-Discharge Imaging Apparatus"; and

WHEREAS, Presstek is the owner of a certain trademark, Registration No. 1,711,005 of September 1, 1992, for printing inks in International Class 2 and for printing plates in International Class 7 (the "DI Trademark"); and

WHEREAS, on or about December 18, 2008, Presstek commenced this litigation against Joseph Musgrave and Prograf Digital Service, Inc. in the United States District Court for the District of New Hampshire, Civil Action No. 1:08-cv-00512 against the Defendant Joseph Musgrave, an individual who resides in Union, Kentucky and Prograf Digital Service, Inc. ("Prograf"), an Indiana corporation having a principal place of business at 1600 Russell Street - Suite A, Covington, Kentucky (the "Litigation"), alleging inter alia that certain activities of the Defendants, including their activities with respect to the sale, reselling, advertising for sale and servicing lithographic printing plates described in the Complaint as "the VIM Plates" infringe Presstek's '737 and '338 Patents and its DI Trademark, or contribute to the infringement of the same, or are otherwise wrongful and actionable; and

WHEREAS, by orders of this Court, the Defendants time to answer the Complaint has been extended from January 22, 2009 until and including March 2, 2009, and then again until March 16, 2009; and

WHEREAS, the Defendants have represented that they ceased the certain activities complained of and desire to resolve all aspects of the Litigation; and,

WHEREAS, in reliance on said representation by Defendants Presstek is willing to enter into a Consent Decree which will resolve this action;

NOW THEREFORE, the Plaintiff, Presstek, Inc. and the Defendants, Prograf Digital Service, Inc. and Joseph Musgrave stipulate and agree as follows:

1. The Defendants stipulate and agree that the '737 and '338 Patents and the DI Trademark are valid and enforceable, and agree not to contest the validity or enforceability of the same.

2. The parties stipulate and agree that Judgment shall enter in the form of the Consent Decree submitted herewith.

STIPULATED AND AGREED TO:

PRESSTEK, INC.

By its attorneys,

**DEVINE, MILLIMET & BRANCH
PROFESSIONAL ASSOCIATION**

Dated: March 25, 2009

By: /s/ Steven E. Grill
Steven E. Grill (Bar No. 7896)
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JOSEPH MUSGRAVE

By His Attorneys,

HOLOUBEK LAW, PLLC

Dated: March 25, 2009

/s/ Charles G. Holoubek
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-and-

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PROGRAF DIGITAL SERVICE, INC.

By Its Attorneys,

HOLOUBEK LAW, PLLC

Dated: March 16, 2009

/s/ Charles G. Holoubek

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APPROVED AND SO ORDERED:

Date: 3/30/2009


~~Magistrate Judge James R. Muirhead~~
United States Magistrate Judge
Justo Arenas